

REMARKS

Applicants have carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

The priority to PCT/US03/41169 has been stated in the first paragraph of the disclosure. The informalities in the specification have been appropriately corrected.

Claims 1-10 have been cancelled.

Claims 11 and 13-18 have been amended.

Claims 19-25 are new.

No new matter has been added.

Reconsideration of the application as amended is respectfully requested.

The Examiner has rejected Claims 15-17 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner stated: "the term 'type' renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by 'type'), thereby rendering the scope of the claim(s) unascertainable." (Office Action at page 2).

Claims 15-17 have been amended to remove the term "type". The claims now recite "a push actuator", "a pull actuator", "electric actuators", and "hydraulic actuators". Since the term "type" has been removed, the rejection under § 112, second paragraph, should be withdrawn.

The present invention is a bariatric patient management system. The system includes a main frame with a mattress supporting surface. The mattress supporting surface includes a backrest section, a middle section, a leg section, and a foot section having panels that cooperate to form the mattress supporting surface. The main frame has side pull out extensions that may be used to increase a support area for the mattress. The main frame is transported by ground engaging wheels. The system also has actuators that change a contour of the mattress supporting surface as desired. The actuators include a foot actuator linked to the foot section. An actuation of the foot actuator causes an inclination of a foot panel relative to the main frame. The contour of the mattress support surface may be changed to at least one of a flat position, seated position, reclined position, and trendelenburg position, for example, for patient transfer, transportation, examination, treatment, surgery, and other procedures.

Independent Claim 18 recites the novel characteristics of the invention as follows:

18. A bariatric patient management system comprising:
a main frame having a first end and a second end;
a backrest section disposed on said main frame adjacent the first end, said backrest section including at least one backrest panel, a backrest side pull out extension slidably disposed in a side of the backrest section, and a backrest actuator linked to said backrest section to selectively cause an inclination of said backrest panel;
a middle section disposed on said main frame adjacent said backrest section, said middle section including at least one middle panel and a middle side pull out extension slidably disposed in a side of the middle section;;
a leg section disposed on said main frame adjacent said middle section, said leg section including at least one leg panel, a leg side pull out extension slidably disposed in a side of the leg section, and a leg actuator linked to said leg section to selectively cause an inclination of said leg panel;
a foot section disposed on said main frame adjacent the leg section and the second end of said main frame, said foot section including at least one foot panel, a foot side pull out extension slidably disposed in a side of the foot section, and **a foot actuator linked to said foot section to selectively cause an inclination of said foot panel relative said frame;** and
ground engaging wheels disposed on said main frame to facilitate a transporting of the bariatric patient management system,
wherein the backrest panel, the middle panel, the leg panel, and the foot panel cooperate to form a mattress supporting surface, and said backrest side pull out extension, said middle side pull out extension, said leg side pull out extension, and said foot side pull out extension cooperate to selectively increase a width of the mattress supporting surface.

(Emphasis added).

The Examiner rejected Claims 15-18 under 35 U.S.C. § 102(b) as being anticipated by Adams (U.S. Pat. No. 6,357,065). The Examiner stated:

[t]he Adams references discloses a bariatric patient management system (e.g. Figs. 6 and 7) comprising: a main frame (e.g. 1) having a backrest section (50), a middle section (52), a leg section (54), and a foot section (56) cooperating to form a mattress support surface (Fig. 4-9), each . . . including at least one extensible side pull out extension (e.g. 76-79); a plurality of ground engaging wheels (18) . . . ; and a plurality of actuators (Col. 3, Lines 6-17), an actuation of at least one of said actuators causing an inclination of one of the backrest section, the leg section, and the foot section to affect a change in a contour of the mattress supporting surface (e.g. Figs. 3-5).

[and]

. . . [A] foot actuator (e.g. 70) linked to said foot section, an actuation of said foot actuator causing an inclination of said foot section (Col. 5, Lines 9-23).

(Office Action at pages 3 and 5).

The Adams reference does not disclose “a foot actuator linked to said foot section to selectively cause an inclination of said foot panel relative said frame” as recited in Claim 18. In contrast, Adams teaches “the thigh and foot mattress support deck sections 54 and 56 are pivotally connected to one another so that the action of the thigh mattress support deck section lift motor 64 simultaneously controls the lifting and lowering of each of the thigh and foot mattress support deck sections 54 and 56.” (Adams at col. 5, lines 13-18, emphasis added). The thigh mattress support deck section lift motor (64) is the actuator of the Adams foot mattress support deck section (56); not the drag links (70).

The thigh mattress support deck section lift motor (64) is not linked to the foot mattress support deck section (56). The thigh mattress support deck section lift motor (64) causes a lifting of the thigh mattress support deck section (54) connected thereto. The thigh mattress support deck section (54) is linked to the foot mattress support deck section (56). A distinct leg actuator linked to a leg section and a distinct foot actuator linked to a foot section is not disclosed by Adams. Accordingly, Claim 18 and claims depending therefrom are patentable because each and every limitation of the claims is not disclosed by Adams.

In further contrast to the present invention, the drag links (70) of Adams are pivotally connected between the foot mattress support deck section (56) and the frame (1) to cause the foot mattress support deck section (56) to remain in spaced parallel alignment about the bed frame (1). (Adams at col. 5, lines 8 – 12; and FIG. 5, numerals 1, 70, and 79). The foot mattress support deck section of Adams necessarily remains parallel to the entire bed frame as the bed frame tilts. (See Adams at col. 4, lines 332-39; and FIG. 5). The drag links (70) of Adams clearly do not cause an inclination of the foot mattress support deck section (56) relative said main frame. For at least this further reason, the rejection under § 102 should be withdrawn.

Claims 11-14 and 19-20 were rejected under 35 U.S.C. § 103(a). Claims 11 and 12 were rejected as being obvious over Adams in view of Spath (U.S. Pat. No. 4,847,930). Claims 13 and 20 were rejected as being obvious over Adams in view of Bartlett et al. (U.S. Pub. No. 2002/013905). Claims 14 and 19 were rejected as being obvious over Adams in view of Allen et al. (U.S. Pub. No. 2001/0001163). Claims 11-14 and 19-20 now depend directly or indirectly from amended Claim 18.

The Examiner cited Allen et al. as a teaching of a hospital bend with an extensible end pull out extension. (Office Action at page 7). Spath was cited as a teaching of a trapeze base frame having a two-point mounting configuration. (Office Action at page 8). Bartlett et al. was cited as a teaching of a hospital bed having at least one load cell mounted between wheels and a main frame, the load cell adapted to provide a weight of the bariatric patient management system. (Office Action at page 9). The secondary cited art does not teach or suggest "a foot actuator linked to said foot section, an actuation of said foot actuator causing an inclination of said foot panel relative said frame" as recited in Claim 18. Accordingly, Claim 18 and the claims depending directly or indirectly therefrom are unobvious and patentable.

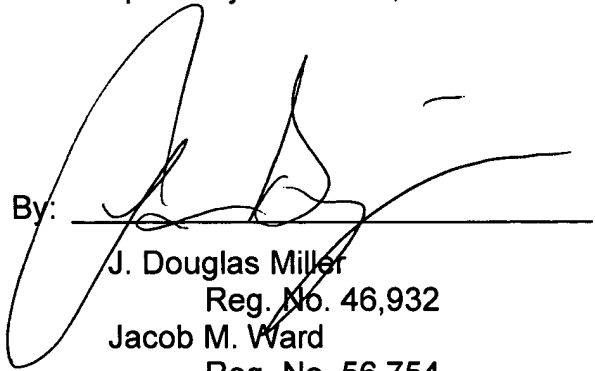
New Claims 21-25 recite at least the same limitations as Claim 18. Accordingly, new Claims 21-25 are likewise patentable.

It is submitted that the amended claims clearly define Applicant's invention and distinguish it from the prior art of record. Reconsideration of the application is respectfully requested and a formal Notice of Allowance is solicited.

The Applicants' attorney has made a sincere effort to properly define Applicants' invention and distinguish the same from the prior art. Should the Examiner deem that other language would be more appropriate, however, it is respectfully requested that a telephone interview be had with Applicants' attorney in order to expedite the prosecution of the application.

Respectfully submitted,

Dated: 3-7-08

By: 
J. Douglas Miller
Reg. No. 46,932
Jacob M. Ward
Reg. No. 56,754

Fraser Clemens Martin & Miller LLC
28366 Kensington Lane
Perrysburg, OH 43551
(419) 874-1100

JDM/JMW

Serial No. 10/541,041

Page 10 of 10